



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: TA/190891

Appeal by Anthony Coyne of Clonfane, Trim, County Meath against the decision made on the 16th day of December, 2019 by Meath County Council to grant subject to conditions a permission to Clare Mullen and Anthony Webster care of Declan Clabby and Associates of Haggard Street, Trim, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Single storey dwelling, detached domestic garage, new domestic entrance, driveway, proprietary waste water treatment system and polishing filter, together with all associated site works. The development also includes blocking up and removal of two number existing agricultural entrances on site, all at Clonfane, Trim, County Meath, as revised by the further public notice received by the planning authority on the 20th day of November, 2019.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the relevant provisions of the current Meath County Development Plan and to the location of the proposed development in a rural area, within a Low Development Pressure Area, where the applicant has an established rural housing need and, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the adjoining property or the visual amenities of the area, would not constitute a traffic hazard and would be acceptable in terms of pedestrian and traffic safety, the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 1st day of November, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The finished floor level of the proposed dwelling and the proposed garage shall be 70 metres relative to the near edge road level of 70.15 metres at the proposed entrance. The ridge level of the dwelling shall not exceed 76.15 metres. A revised site plan of scale 1:500 clearly showing the reduced finished floor level of 70 metres shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any work on site. No deviation from the above finished floor levels and ridge levels shall be permitted unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

3. The proposed development shall be amended as follows:
 - (a) The roof of the proposed rear return, on the north elevation, over the proposed master bedroom, corridor and associated en-suite and wardrobe, shall be stepped below that of the ridge of the remaining rear return.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority within three months of the date of the final grant of permission.

Reason: In the interest of visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5.
 - (a) Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall include hedgerow planting with species native to the area.
 - (b) Prior to occupation of the subject dwelling, the applicant shall implement the proposed landscaping scheme, as submitted to the planning authority on the 1st day of November, 2019. The applicant shall inform the planning authority in writing, prior to the occupation of the dwelling house that the landscaping scheme has been implemented.

- (c) The planting shall commence no later than the first planting season following commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

- 6. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. (a) The external finishes and design of the proposed dwelling house shall comply with the details shown on the plans submitted to the planning authority on the 1st day of November, 2019, unless otherwise agreed in writing with the planning authority. The use of brick or reconstituted stone shall not be permitted.
- (b) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

9. Measures to prevent the spillage or deposit of clay, rubble or other debris onto the public road network shall be implemented to the satisfaction of the planning authority and any accidental soiling shall be immediately cleared up.

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.

10. Any damage to the public road during the construction phase shall be made good to the satisfaction of the planning authority and at the developer's expense.

Reason: In the interests of traffic safety and convenience, and to protect the amenities of the area.

11. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.